

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-6642

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DEMETRIUS ANTONIO MCKOY,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, District Judge. (5:09-cr-00051-BO-1; 5:13-cv-00551-BO)

Submitted: September 30, 2014

Decided: October 8, 2014

Before GREGORY and SHEDD, Circuit Judges, and DAVIS, Senior Circuit Judge.

Affirmed in part; dismissed in part by unpublished per curiam opinion.

Demetrius Antonio McKoy, Appellant Pro Se. Michael Gordon James, Banumathi Rangarajan, Shailika K. Shah, Thomas Gray Walker, Seth Morgan Wood, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Demetrius McKoy appeals the district court's order denying relief on his 28 U.S.C. § 2255 (2012) motion. We granted a certificate of appealability on the issue of whether McKoy's trial counsel, Curtis High, rendered ineffective assistance at the plea bargaining stage of proceedings by advising McKoy to go to trial because the Government could not convict him of a drug trafficking offense. After reviewing the record and the parties' informal briefs, we conclude that McKoy failed to demonstrate prejudice from High's alleged deficient performance. See Lafler v. Cooper, 132 S. Ct. 1376, 1387 (2012). Accordingly, we affirm the district court's denial of relief on the claim for which we granted a certificate of appealability. With regard to McKoy's remaining claims, we deny a certificate of appealability and dismiss that portion of the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED IN PART;
DISMISSED IN PART